

FILED

ELECTRONICALLY

10/24/06

1 STUTMAN, TREISTER & GLATT, P.C.  
 2 FRANK A. MEROLA  
 (CA State Bar No. 136934)  
 3 EVE H. KARASIK  
 (CA State Bar No. 155356)  
 4 CHRISTINE M. PAJAK  
 (CA State Bar No. 217173), Members of  
 5 1901 Avenue of the Stars, 12<sup>th</sup> Floor  
 Los Angeles, CA 90067  
 6 Telephone: (310) 228-5600  
 7 E-mail: [fmerola@stutman.com](mailto:fmerola@stutman.com)  
[ekarasik@stutman.com](mailto:ekarasik@stutman.com)  
[cpajak@stutman.com](mailto:cpajak@stutman.com)

SHEA & CARLYON, LTD.  
 JAMES PATRICK SHEA  
 (Nevada State Bar No. 000405)  
 CANDACE C. CARLYON, ESQ.  
 (Nevada State Bar No. 002666)  
 SHLOMO S. SHERMAN, ESQ.  
 (Nevada State Bar No. 009688)  
 228 South Fourth Street, First Floor  
 Las Vegas, Nevada 89101  
 Telephone: (702) 471-7432  
 E-mail: [jshea@sheacarlyon.com](mailto:jshea@sheacarlyon.com)  
[ccarlyon@sheacarlyon.com](mailto:ccarlyon@sheacarlyon.com)  
[ssherman@sheacarlyon.com](mailto:ssherman@sheacarlyon.com)

9  
 10 *Counsel for the Official Committee of Equity Security Holders of  
 USA Capital First Trust Deed Fund, LLC*

11 **UNITED STATES BANKRUPTCY COURT**

12 **DISTRICT OF NEVADA**

13 In re:	) BK-S-06-10725-LBR
14 USA COMMERCIAL MORTGAGE COMPANY	) Chapter 11
15 Debtor.	)
16 In re:	) BK-S-06-10726-LBR
17 USA CAPITAL REALTY ADVISORS, LLC,	) Chapter 11
18 Debtor.	)
19 In re:	) BK-S-06-10727-LBR
20 USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,	) Chapter 11
21 Debtor.	)
22 In re:	) BK-S-06-10728-LBR
23 USA CAPITAL FIRST TRUST DEED FUND, LLC,	) Chapter 11
24 Debtor.	)
25 Affects	)
26 <input type="checkbox"/> All Debtors	)
27 <input type="checkbox"/> USA Commercial Mortgage Co.	)
28 <input type="checkbox"/> USA Securities, LLC	)
<input type="checkbox"/> USA Capital Realty Advisors, LLC	) Date: October 30, 2006
<input type="checkbox"/> USA Capital Diversified Trust Deed	) Time: 9:30 a.m.
<input checked="" type="checkbox"/> USA First Trust Deed Fund, LLC	)

1 **AMENDED CERTIFICATE OF SERVICE OF LIMITED OBJECTION OF THE**  
2 **OFFICIAL COMMITTEE OF EQUITY SECURITY HOLDERS OF USA CAPITAL**  
3 **FIRST TRUST DEED FUND, LLC TO MOTION TO AUTHORIZE DEBTOR USA**  
4 **COMMERCIAL MORTGAGE COMPANY AS LOAN SERVICER TO APPROVE**  
5 **LOAN MODIFICATION FOR PALM HARBOR ONE LOAN, TO PROVIDE THE**  
6 **PREVIOUSLY AUTHORIZED SUBORDINATION OF THE MARLTON SQUARE**  
7 **2<sup>ND</sup> LOAN IN CONNECTION WITH THE PAYOFF OF THE MARLTON SQUARE**  
8 **1<sup>ST</sup> LOAN, TO AUTHORIZE A SHORT-TERM FORBEARANCE FOR THE**  
9 **MARLTON SQUARE 1<sup>ST</sup> LOAN, AND TO GENERALLY AUTHORIZE SHORT-**  
10 **TERM FORBEARANCES AND FULL RELEASES AND RECONVEYANCES FOR**  
11 **LOANS PAID OFF IN FULL (AFFECTS USA COMMERCIAL MORTGAGE**  
12 **COMPANY AND USA CAPITAL FIRST TRUST DEED FUND, LLC)**

13 1. On October 23, 2006 I served the following documents:

14 Limited Objection of the Official Committee of Equity Security Holders of  
15 USA Capital First Trust Deed Fund, LLC to Motion to Authorize Debtor  
16 USA Commercial Mortgage Company as Loan Servicer to Approve Loan  
17 Modification for Palm Harbor One Loan, to Provide the Previously  
18 Authorized Subordination of The Marlton Square 2<sup>nd</sup> Loan in Connection  
19 With the Payoff of the Marlton Square 1<sup>st</sup> Loan, to Authorize a Short-  
20 Term Forbearance for the Marlton Square 1<sup>st</sup> Loan, and to Generally  
21 Authorize Short-Term Forbearances and Full Releases and Reconveyances  
22 for Loans Paid Off in Full (Affects USA Commercial Mortgage Company  
23 and USA Capital First Trust Deed Fund, LLC)

24 2. I served the above named document(s) by the following means to the persons

25 as listed below:

26  a. **ECF System.** See attached Notice of Electronic Filing.  
27  b. **United States mail, postage full prepaid to the following:**  
28  c. **Personal service.**

29 I personally delivered the documents to the persons at these addresses:

30  For a party represented by an attorney, delivery was made by  
31 handing the document(s) at the attorney's office with a clerk or  
32 other person in charge, or if no one is in charge, by leaving the  
33 document(s) in a conspicuous place in the office.

For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

d. By direct email.

Based upon the written agreement of the parties to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

e. By fax transmission.

Based upon the written agreement of the parties to accept serve by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

f. By messenger.

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a messenger for service.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 24th day of October, 2006.

  
Lissa Treadway, ACP, an employee  
of SHEA & CARLYON, LTD.

**File an answer to a motion:**06-10725-lbr USA COMMERCIAL MORTGAGE COMPANY**U.S. Bankruptcy Court****District of Nevada**

## Notice of Electronic Filing

The following transaction was received from SHERMAN, SHLOMO S. entered on 10/23/2006 at 1:44 PM PDT and filed on 10/23/2006

**Case Name:** USA COMMERCIAL MORTGAGE COMPANY

**Case Number:** 06-10725-lbr

**Document Number:** 1629

**Docket Text:**

Limited Objection Filed by SHLOMO S. SHERMAN on behalf of OFFICIAL COMMITTEE OF EQUITY SECURITY HOLDERS OF USA CAPITAL FIRST TRUST DEED FUND, LLC (Related document(s)[1434] Miscellaneous Motion,, filed by Debtor USA COMMERCIAL MORTGAGE COMPANY, Jnt Admin Debtor USA CAPITAL FIRST TRUST DEED FUND, LLC.) (SHERMAN, SHLOMO)

The following document(s) are associated with this transaction:

**Document description:** Main Document

**Original filename:** Z:\USA Investors Committee #1500\Electronic Filing\obj to loan modification motion 10-23-06.pdf

**Electronic document Stamp:**

[STAMP\_bkecfStamp\_ID=989277954 [Date=10/23/2006] [FileNumber=7422406-0] [06a05291992eb2e7972be119efef45737cd1dd35e9d1f3a7c5f68531b54bc2be8902e1719d5cd3e68246e69c583ea108ee1f6d1cd260289f73ad60636707a9d5]]

**06-10725-lbr Notice will be electronically mailed to:**

FRANKLIN C. ADAMS franklin.adams@bbklaw.com, arthur.johnston@bbklaw.com

NANCY L ALLF nallf@parsonsbehle.com, klawrence@parsonsbehle.com;tthomas@parsonsbehle.com;ecf@parsonsbehle.com

OGONNA M. ATAMOH oatamoh@nevadafirm.com, bkecf@nevadafirm.com;paltstatt@nevadafirm.com;sliberio@nevadafirm.com

KERIANN M ATENCIO ATENCIO@GTLAW.COM

BMC GROUP, INC. evrato@bmccgroup.com, ecf@bmccgroup.com;jmiller@bmccgroup.com;jbartlett@bmccgroup.com

KELLY J. BRINKMAN kbrinkman@goodpatterson.com

THOMAS R BROOKSBANK tom@tombrooksbank.com, renee@tombrooksbank.com

ANDREW M. BRUMBY abrumbry@shutts-law.com, rhicks@shutts-law.com;lmackson@shutts-law.com

MATTHEW Q. CALLISTER mqc@callister-reynolds.com, maggie@callister-reynolds.com

CANDACE C CARLYON ltreadway@sheacarlyon.com, ccarlyon@sheacarlyon.com;bankruptcyfilings@sheacarlyon.com;rmsmith@sheacarlyon.com;carlyonltd@sheacarlyon.com

ROB CHARLES rcharles@lrlaw.com, cjordan@lrlaw.com

MICHAEL W. CHEN yvette@ccfirm.com

KEVIN B. CHRISTENSEN kbchrislaw@aol.com

JANET L. CHUBB tbw@jonesvargas.com

JEFFREY A. COGAN jeffrey@jeffreycogan.com, sarah@jeffreycogan.com

WILLIAM D COPE cope\_guerra@yahoo.com

CICI CUNNINGHAM bankruptcy@rocgd.com

LAUREL E. DAVIS bklsclov@lionelsawyer.com, ldavis@lionelsawyer.com;gbagley@lionelsawyer.com;ldavisesq@aol.com

DEBT ACQUISITION COMPANY OF AMERICA V, LLC (tf) tfette@daca4.com

THOMAS H. FELL BANKRUPTCYNOTICES@GORDONSILVER.COM

SCOTT D. FLEMING sfleming@halelane.com, dbergsing@halelane.com,ecfvegas@halelane.com

GREGORY E GARMAN bankruptcynotices@gordonsilver.com

WADE B. GOCHNOUR wgochnour@hwmlvlaw.com, donnat@hwmlvlaw.com

CARLOS A. GONZALEZ carlos.gonzalez2@usdoj.gov, Darlene.Ruckard@usdoj.gov;Eunice.Jones@usdoj.gov;Sue.Knight@usdoj.gov

GERALD M GORDON bankruptcynotices@gordonsilver.com

R. VAUGHN GOURLEY vgourley@lvcm.com

TALITHA B. GRAY bankruptcynotices@gordonsilver.com

JAMES D. GREENE bknotice@schrecklaw.com

MARJORIE A. GUYMON bankruptcy@goldguylaw.com, ddias@goldguylaw.com

JEFFREY R. HALL jhall@sheacarlyon.com,  
bankruptcyfilings@sheacarlyon.com;aboehmer@sheacarlyon.com;ltreadway@sheacarlyon.com;rsmith@sheacarlyon.com

XANNA R. HARDMAN xanna.hardman@gmail.com

STEPHEN R HARRIS noticesbh&p@renolaw.biz

BRIGID M. HIGGINS bankruptcynotices@gordonsilver.com

DAVID W. HUSTON dwh@hustonlaw.net, swaits@hustonlaw.net

CHRISTOPHER D JAIME cjaime@waltherkey.com, kbernhar@waltherkey.com

EVAN L. JAMES ejameslv@earthlink.net, kbchrislaw@aol.com

TY E. KEHOE TyKehoeLaw@aol.com

ROBERT R. KINAS rkinas@swlaw.com,  
mstrand@swlaw.com;jlustig@swlaw.com;chaines@swlaw.com;imccord@swlaw.com

ZACHARIAH LARSON ecf@lslawnv.com

JOHN J. LAXAGUE jlaxague@caneclark.com

GEORGE C LAZAR glazar@foxjohns.com, gclazar@sbcglobal.net

NILE LEATHAM nleatham@klnevada.com, ckishi@klnevada.com;bankruptcy@klnevada.com

ROBERT C. LEPOME robert@robertlepome.com, susan@robertlepome.com

ANNE M. LORADITCH ecffilings@beckleylaw.com,  
aloraditch@beckleylaw.com;pkois@beckleylaw.com

JAMES C. MCCARROLL , dturetsky@reedsmith.com;aleonard@reedsmith.com

REGINA M. MCCONNELL rmcconnell@kssattorneys.com

WILLIAM L. MCGIMSEY lawoffices601@lvcoxmail.com

RICHARD MCKNIGHT mcknightlaw@cox.net,  
gkopang@lawlasvegas.com;cburke@lawlasvegas.com

JEANETTE E. MCPHERSON bkfilings@s-mlaw.com

JEANETTE E. MCPHERSON bkfilings@s-mlaw.com

SHAWN W MILLER bankruptcyfilings@sheacarlyon.com,  
smiller@sheacarlyon.com;aboehmer@sheacarlyon.com;ltreadway@sheacarlyon.com;rsmith@sheacarlyon.com

DAVID MINCIN mcknightlaw@cox.net,  
gkopang@lawlasvegas.com;dmincin@lawlasvegas.com,cburke@lawlasvegas.com

JOHN F MURTHA jmurtha@woodburnandwedge.com

ERVEN T. NELSON erv@rlbolick.com, susan@rlbolick.com

VICTORIA L NELSON bkecf@nevadafirm.com,  
vnelson@nevadafirm.com;paltstatt@nevadafirm.com;rholley@nevadafirm.com;sliberio@nevadafirm.co:

BOB L. OLSON ecffilings@beckleylaw.com, bolson@beckleylaw.com;dgriffis@beckleylaw.com

DONNA M. OSBORN ebaker@marquisaurbach.com,  
dosborn@marquisaurbach.com;tszostek@marquisaurbach.com;kgallegos@MarquisAurbach.com

ANDREW M. PARLEN aparlen@stutman.com

DONALD T. POLEDNAK sandplegal@yahoo.com, spbankruptcy@yahoo.com

PAUL C RAY info@johnpeterlee.com

SUSAN WILLIAMS SCANN sscann@deanerlaw.com, palexander@deanerlaw.com

LENARD E. SCHWARTZER bkfilings@s-mlaw.com

JAMES PATRICK SHEA bankruptcyfilings@sheacarlyon.com,  
ltreadway@sheacarlyon.com;rmsmith@sheacarlyon.com

SHLOMO S. SHERMAN ssherman@sheacarlyon.com,  
aboehmer@sheacarlyon.com;bankruptcyfilings@sheacarlyon.com;ltreadway@sheacarlyon.com;rsmith@

AMBRISH S. SIDHU ecf@lslawnv.com

JEFFREY G. SLOANE gjklepel@yahoo.com, rmcconnell@kssattorneys.com

DAVID A. STEPHENS dstephens@lvcm.com

PETER SUSI cheryl@msmlaw.com, msm@msmlaw.com

JEFFREY R. SYLVESTER jeff@sylvesterpolednak.com, David@sylvesterpolednak.com

CARYN S. TIJSELING ctijsseling@beckleylaw.com, aanthony@beckleylaw.com

AMY N TIRRE atirre@kkbrf.com, ksims@kkbrf.com;lleverett@kkbrf.com

U.S. TRUSTEE - LV - 11 USTPRegion17.lv.ecf@usdoj.gov

GREGORY J. WALCH GWalch@Nevadafirm.com

WHITNEY B. WARNICK wbw@albrightstoddard.com, bstessel@albrightstoddard.com

JOAN C WRIGHT jwright@allisonmackenzie.com, jbrooks@allisonmackenzie.com

MATTHEW C. ZIRZOW bankruptcynotices@gordonsilver.com

**06-10725-lbr Notice will not be electronically mailed to:**

THOMAS J. ALLISON

,

ALVAREZ & MARSAL, LLC

,

AMERICAN EXPRESS BANK FSB  
C/O BECKET AND LEE LLP  
POB 3001  
MALVERN, PA 19355-0701

ANGELO GORDON & CO  
C/O JED HART  
245 PARK AVE, 26TH FL  
NEW YORK, NY 10167

EVAN BEAVERS  
1625 HIGHWAY 88, #304  
MINDEN, NV 89423

BECKLEY SINGLETON, CHTD.

,

FLOCERFIDA BENINCASA  
9359 ROPING COWBOY AVE  
LAS VEGAS, NV 89178

JASPER BENINCASA  
9359 ROPING COWBOY AVE.  
LAS VEGAS, NV 89178

JOSHUA D BRYSK  
LAW OFFICES OF JAMES G SCHWARTZ  
7901 STONERIDGE DRIVE, SUITE 401  
PLEASANTON, CA 94588

ELISSA F CADISH  
3930 HOWARD HUGHS PKWY, 4TH FLR  
LAS VEGAS, NV 89169

DONNA CANGELOSI

,

CURTIS F CLARK

,

VINCE DANELIAN